

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

In re:

WESTMOUNT GROUP, INC.

Debtor.

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Case No. 21-30633

Chapter 11

**OBJECTION TO PROOF OF CLAIM NO. 2-1 FILED BY ALBERT FLORES
WITH NOTICE THEREOF**

This is an objection to your claim in this bankruptcy case. This objection asks the Court to disallow (eliminate), reduce, or modify your claim as set forth in this objection. If you do not file a written response to this objection within 30 days from the date of mailing of this objection, the Court may disallow (eliminate), reduce, or modify your claim as set forth in this objection, without a hearing being held.

Any response to this objection must explain your position and be timely filed with the United States Bankruptcy Clerk, Western District of Texas, 903 San Jacinto, Rm. 322, Austin, TX 78701. If a timely response is filed, the Court will then set a hearing on the objection, and you will be provided with notice of the date, time, and place of the hearing. If you do not attend the hearing, the Court may decide that you do not oppose the objection to your claim.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Westmount Group, Inc. (the “*Debtor*”) in the above styled and referenced case, and files this Objection to Proof of Claim No. 2-1 Filed by Albert Flores as follows:

INTRODUCTION

1. Debtor objects to Proof of Claim 2-1 (the “*Claim*”) because Mr. Flores does not state a valid claim against Westmount Group, Inc.

JURISDICTION AND VENUE

2. The Court has jurisdiction over this matter pursuant to 11 U.S.C. §§ 157 and 1334. It is a core proceeding pursuant to 11 U.S.C. § 157(b)(2)(A) and (B).

3. Venue in this Court is proper pursuant to §§ 1408 and 1409.
4. The Motion itself is grounded in 11 U.S.C. §502.

FACTS RELEVANT TO CLAIM OBJECTION

5. Debtor filed for relief under Chapter 11 of the Bankruptcy Code on August 23, 2021 and was designated as a Subchapter V Chapter 11 case.

6. Albert Flores filed Proof of Claim 2-1 on October 15, 2021 in the amount of \$370,303.51.

7. The claim is based upon a state court lawsuit. Mr. Flores was a shareholder of Montoya Park Place, Inc.

8. Montoya Park Place, Inc. sold a tract of real property. Mr. Flores stated that he signed the closing papers “hurriedly . . . as the closing agent rapidly presented them to him. . . .”

9. Mr. Flores accepted payment of \$280,000 from the sales proceeds.

10. Mr. Flores signed a Stock Purchase Agreement in which he conveyed his interest in Montoya Park Place, Inc. to Keyvan Parsa for \$50.00.

11. Mr. Flores’s suit seeks to set aside the Stock Purchase Agreement and to appoint a receiver over Montoya Park Place, Inc.

12. Mr. Flores has also asserted a fraudulent transfer claim against Westmount Group, Inc. The suit is based on a transfer of funds from Montoya Park Place, Inc. to Westmount Group, Inc.

GROUND FOR RELIEF

13. Under FED.R.BANKR.P. 3001(f), a properly filed proof of claim is entitled to prima facie validity. To rebut the prima facie validity, a party must introduce evidence “at least equal in probative force to that offered by the proof of claim and which, if believed, would refute at least

one of the allegations that is essential to the claims legal sufficiency.” *In re 804 Congress, LLC*, 529 B.R. 213, 219 (Bankr. W.D. Tex. 2015).

14. Pursuant to 11 U.S.C. §502(b), if an objection to a claim is filed, the Court “shall determine the amount of such claim in lawful currency of the United States as of the date of filing the petition.”

15. In order for Mr. Flores to have a claim against Westmount Group, Inc. for fraudulent transfer, he must be a creditor of Montoya Park Place, Inc. Mr. Flores has not asserted a valid claim against Montoya Park Place, Inc. At best, if he prevails, he will be a 50% shareholder of this company. A shareholder does not have standing to assert a fraudulent transfer claim because a shareholder is not a creditor. In the alternative, if Mr. Flores has asserted a claim against Montoya Park Place, Inc., such claim is not valid and should be denied.

WHEREFORE, Westmount Group, Inc. respectfully requests that the Court deny the claim of Albert Flores, and for any further relief to which it may be entitled.

DATED: October 25, 2021

Respectfully Submitted,

BARRON & NEWBURGER, P.C.
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By: /s/Stephen W. Sather
Gregory M. Friedman (SBN 24116394)
Stephen W. Sather (SBN. 17657520)

ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

By my signature below, I certify that on October 25, 2021, a true and correct copy of the foregoing document was served by United States Mail, first class, postage prepaid to the parties-in-interest listed on the attached matrix, or electronically by the Court's ECF noticing system on those parties-in-interest registered to receive such service.

/s/ Stephen W. Sather
Stephen W. Sather